IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION No. 5:17-cv-00011-FDW-DSC

GUADALUPE JACQUEZ, JR.,)	
Plaintiff,)	
v. NANCY A. BERRYHILL, Acting Commissioner of Social Security,))))	ORDER
Defendant.)	

Plaintiff's counsel filed a Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. § 406(b), seeking fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b) in the amount of \$14,000.00. Attorney's fees under Section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff was previously awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$3,864.73 (ECF No. 16).

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$14,000.00. Plaintiff's counsel shall refund to Plaintiff the \$3,864.73 EAJA award.

SO ORDERED. Signed: August 24, 2018

David S. Cayer

United States Magistrate Judge